

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
MAY 21, 2013**

Present:

Mayor Betsy Price
Mayor Pro tem W.B. "Zim" Zimmerman, District 3
Council Member Salvador Espino, District 2
Council Member Daniel Scarth, District 4
Council Member Frank Moss, District 5
Council Member Jungus Jordan, District 6
Council Member Dennis Shingleton, District 7
Council Member Kelly Allen Gray, District 8
Council Member Joel Burns, District 9

Staff Present:

Tom Higgins, City Manager
Sarah Fullenwider, City Attorney
Ronald P. Gonzales, Assistant City Secretary

I. CALL TO ORDER

With a quorum of the City Council Members present, Mayor Price called the regular session of the Fort Worth City Council to order at 10:06 a.m. on Tuesday, May 21, 2013, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

II. INVOCATION - Father Roger Grist, St. Anne's Episcopal Church

The invocation was provided by Father Roger Grist, St. Anne's Episcopal Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF MAY 14, 2013

Motion: Council Member Shingleton made a motion, seconded by Council Member Burns, that the Minutes of the Regular meeting of May 14, 2013, be approved. The motion carried unanimously 9 ayes to 0 nays.

V. **ADMINISTRATION OF OATH OF OFFICE TO MAYOR ELECT BETSY PRICE AND COUNCIL MEMBERS ELECT SALVADOR “SAL” ESPINO, W.B. “ZIM” ZIMMERMAN, DANNY SCARTH, JUNGUS JORDAN, DENNIS SHINGLETON, KELLY ALLEN GRAY AND JOEL BURNS**

Assistant City Secretary Gonzales administered the Oath of Office to Mayor Elect Betsy Price and Council Members Elect Salvador “Sal” Espino, W.B. “Zim” Zimmerman, Danny Scarth, Jungus Jordan, Dennis Shingleton, Kelly Allen Gray and Joel Burns.

VI. **REMARKS AND INTRODUCTIONS BY MAYOR BETSY PRICE AND COUNCIL MEMBERS SALVADOR “SAL” ESPINO, W.B. “ZIM” ZIMMERMAN, DANNY SCARTH, JUNGUS JORDAN, DENNIS SHINGLETON, KELLY ALLEN GRAY AND JOEL BURNS**

Mayor Price, Mayor Pro tem Zimmerman, and Council Members Espino, Scarth, Jordan, Shingleton, Allen Gray, and Burns expressed appreciation to their families, Council aides, City staff and their constituents. They stated that they promised to continue to confront the City’s tough budget issues and infrastructure needs and other upcoming issues within the City.

VII. **ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA**

City Manager Higgins requested that Mayor and Council Communication No. G-17899 be withdrawn from the Consent Agenda.

VIII. **ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF**

City Manager Higgins requested that Mayor and Council Communication No. G-17899 continued to June 4, 2013, Council meeting.

IX. **CONSENT AGENDA**

Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Espino, that the Consent Agenda be approved as amended. The motion carried unanimously 9 ayes to 0 nays.

A. **General - Consent Items**

1. **M&C G-17894 - Authorize Conveyance of a Permanent Easement on Property Located on the Dallas/Fort Worth International Airport to Dallas Area Rapid Transit for the Construction and Maintenance of Public Mass Transit Improvements and Accept Conveyance of Two Perpetual Roadway/Utility Easements from Dallas Area Rapid Transit (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the conveyance to Dallas Area Rapid Transit of a permanent easement containing approximately sixty-seven and six/tenths acres of land on property located on the Dallas/Fort Worth International Airport for the construction and maintenance of public mass transit improvements relative to the Dallas Area Rapid Transit Orange Line I-3 segment and acceptance of two perpetual roadway/utility easements from Dallas Area Rapid Transit.

2. **M&C G-17895 - Authorize Joint Acquisition with the City of Dallas of an Approximately 43,473 Square Foot Tract of Land Belonging to the State of Texas Located Adjacent to the South Side of Interstate Highway 635 Right-of-Way for the Benefit of and Use by Dallas/Fort Worth International Airport (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize a joint acquisition with the City of Dallas of an approximately 43,473 square foot tract of land belonging to the state of Texas and located adjacent to the south side of Interstate Highway 635 right-of-way for the benefit of and use by Dallas/Fort Worth International Airport.

3. **M&C G-17896 - Authorize Execution of a Partial Rescission of Notices of Restriction to Remove the Local Drainage Easement from Approximately 70.42 Acres Located on the Northeast Quadrant of Dallas/Fort Worth International Airport (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a partial rescission of notices of restriction to remove the local drainage easement from approximately 70.42 acres located on the northeast quadrant of the Dallas/Fort Worth International Airport, subject to approval by the U.S. Army Corps of Engineers.

4. **M&C G-17897 - Adopt Resolution Approving the Revised Fiscal Year 2012-2013 Budget and Service Plan for Public Improvement District No. 1, Downtown PID (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Adopt Resolution No. 4206-05-2013, approving the revised Fiscal Year 2012-2013 Budget and Service Plan for Public Improvement District No. 1, Downtown PID.

5. **M&C G-17898 - Adopt Resolution Approving the Revised Fiscal Year 2012-2013 Budget and Service Plan for Public Improvement District No. 8, Camp Bowie PID (COUNCIL DISTRICTS 3 and 7)**

The City Council approved the following recommendation: Adopt Resolution No. 4207-05-2013, approving the revised Fiscal Year 2012-2013 Budget and Service Plan for Public Improvement District No. 8, Camp Bowie PID.

7. **M&C G-17900 - Authorize Execution of a Memorandum of Understanding with the Friends of the Fort Worth Public Library, Inc., and Authorize Execution of a Books and Materials Disposition Contract with the Friends of the Fort Worth Public Library, Inc. (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize execution of a Memorandum of Understanding with the Friends of the Fort Worth Public Library, Inc.; and authorize execution of a Books and Materials Disposition Contract with the Friends of the Fort Worth Public Library, Inc.

B. Purchase of Equipment, Materials, and Services - Consent Items

1. **M&C P-11528 - Authorize Purchase Agreement for Generator Services with Waukesha-Pearce Industries, Inc., for all City Departments in the Amount Up to \$125,000.00 Annually (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize a Purchase Agreement for generator services with Waukesha-Pearce Industries, Inc., for all City departments in the amount up to \$125,000.00 annually.

2. **M&C P-11529 - Authorize Sole Source Purchase Agreement for Mobile Data Computer Mounts from Troy Products for the Police Department in the Amount of \$123,981.00 (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize a sole source Purchase Agreement for mobile data computer mounts from Troy Products for the Police Department in the amount of \$123,981.00.

3. **M&C P-11530 - Authorize Purchase of a Ford F-550 Fire Attack Patrol Unit for the Fire Department from Chastang Enterprises, Inc. d/b/a Chastang's Bayou City Ford, in the Amount of \$200,168.00 Using a Cooperative Contract (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the purchase of a Ford F-550 fire attack patrol unit for the Fire Department from Chastang Enterprises, Inc. d/b/a Chastang's Bayou City Ford, in the amount of \$200,168.00 using the Houston Galveston Area Council Cooperative Contract No. FS12-11.

4. **M&C P-11531 - Authorize Purchase of a Ford F-450 Brush Truck for the Fire Department from Chastang Enterprises, Inc. d/b/a Chastang's Bayou City Ford in the Amount of \$158,485.00 Using a Cooperative Contract (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the purchase of a Ford F-450 brush truck for the Fire Department from Chastang Enterprises, Inc. d/b/a Chastang's Bayou City Ford in the amount of \$158,485.00 using the Texas Association of School Boards Cooperative Contract No. 323-09.

E. Award of Contract - Consent Items

1. **M&C C-26260 - Authorize Execution of Amendment No. 4 to City Secretary Contract No. 40264 with Buford Goff and Associates, Inc., for Consulting Services to Support the Public Safety Radio System in the Amount Up to \$116,260.50, Thereby Increasing the Total Contract in the Amount of \$3,729,010.50 (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize execution of amendment No. 4 to City Secretary Contract No. 40264 with Buford Goff and Associates, Inc., for consulting services to support the Public Safety Radio System for the Information Technology Solutions Department in the amount up to \$116,260.50, thereby increasing the total contract in the amount of \$3,729,010.50.

2. **M&C C-26261 - Adopt Supplemental Appropriation Ordinance Increasing Appropriations in the Risk Management Fund in the Amount of \$317,000.00 and Decreasing the Assigned Risk Management Fund Balance by the Same Amount, Authorize Transfer of \$317,000.00 to the General Fund, Adopt Appropriation Ordinance Increasing Appropriations in the General Fund in the Amount of \$317,000.00, and Authorize Execution of a Contract with Strategic Government Resources, Inc., for Up to \$317,000.00 for the Implementation of a City-Wide Performance Management Program (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Adopt Supplemental Appropriation Ordinance No. 20754-05-2013, increasing the estimated receipts and appropriations in the Risk Management Fund in the amount of \$317,000.00, decreasing the assigned fund balance by the same amount, for the purpose of transferring said funds to the General Fund to execute a contract with Strategic Government Resources, Inc. for City-wide performance management training; authorize the transfer from the Risk Management Fund to the General Fund; adopt Supplemental Appropriation Ordinance No. 20755-05-2013, increasing the estimated receipts and appropriations in the General Fund in the amount of \$317,000.00 from available funds for the same purpose stated above; and authorize the execution of the contract.

3. **M&C C-26262 - Authorize Rejection of Bid Received for the Bridge Repair and Rehabilitation Contract 2013-23 at Four Locations (COUNCIL DISTRICTS 4, 8 and 9)**

The City Council approved the following recommendation: Authorize the rejection of a bid received for Bridge Repair and Rehabilitation Contract 2013-23 at four locations.

4. **M&C C-26263 - Authorize Execution of Change Order No. 2 to City Secretary Contract No. 42543, in the Amount of \$75,030.00, with Conatser Construction TX, LP, for the Butler-McClure Drainage Improvements Project, Thereby Revising the Total Contract Amount to \$1,701,516.50 (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Authorize the execution of Change Order No. 2 to City Secretary Contract No. 42543, in the amount of \$75,030.00, with Conaster Construction TX, LP, for the Butler-McClure Drainage Improvements Project, thereby revising the total contract amount to \$1,701,516.50.

5. **M&C C-26264 - Authorize Rejection of All Bids Received for the Crooked Lane Drainage Improvements Project and Authorize Re-Advertisement (COUNCIL DISTRICT 5)**

The City Council approved the following recommendation: Authorize the rejection of all bids received for the Crooked Lane Drainage Improvements Project and authorize re-advertisement.

6. **M&C C-26265 - Ratify Application for and Authorize Acceptance of, if Awarded, the State Justice Assistance Grant in the Amount of \$80,000.00 from the State of Texas, Office of the Governor, Criminal Justice Division, Authorize Execution of Related Contract, Adopt Related Resolution and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Ratify the application for the State Justice Assistance Grant from the Office of the Governor, Criminal Justice Division, in the amount of \$80,000.00; authorize the City Manager to accept, reject, alter or terminate, if awarded, the State Justice Assistance Grant; authorize the execution of a contract in connection with the acceptance of the grant, if awarded; adopt Resolution No. 4208-05-2013, authorizing the Police Department's application for and acceptance of \$80,000.00 in Grant funds from the State of Texas, Office of the Governor, Criminal Justice Division for the State Justice Assistance Grant and the making of assurances required by the Criminal Justice Division of the Governor's Office; and adopt Appropriation Ordinance No. 20756-05-2013, increasing the estimated receipts and appropriations in the Grants Fund, subject to receipt of the grant for the purpose of updating 12 interview rooms across the department.

7. **M&C C-26266 - Authorize Execution of a Ground Lease with Mandatory Improvements with New One-Group II, LLC, for Lease Sites NW-8 and NW-9 Located at Fort Worth Spinks Airport (COUNCIL DISTRICT 6)**

The City Council approved the following recommendation: Authorize the execution of a ground lease with mandatory improvements with New One-Group II, LLC, for lease sites NW-8 and NW-9 located at Fort Worth Spinks Airport.

8. **M&C C-26267 - Authorize Acceptance of a Grant from the Texas Department of Housing and Community Affairs for the 2013-2014 Weatherization Assistance Program Up to a Total of \$2,000,000.00, Authorize Related Contracts, Authorize Waiver of Indirect Costs, Authorize Interfund Loan and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize acceptance of Low Income Housing Energy Assistance Grant funds from the Texas Department of Housing and Community Affairs for the 2013-2014 Weatherization Assistance Program up to a total of \$2,000,000.00; authorize the execution of related contracts, including any amendments, extensions and renewals in accordance with City policies and regulations, with the Texas Department of Housing and Community Affairs for the grant funds for program year April 1, 2013, through March 31, 2014; authorize waiver by the City of indirect costs; authorize non-interest bearing interfund loan from the General Fund to the Grants Fund in the amount of \$300,000.00 for interim financing for the Low Income Housing Energy Assistance Program pending contract execution; and adopt Appropriation Ordinance No. 20757-05-2013, increasing the estimated receipts and appropriations in the Grants Fund in the amount of \$2,000,000.00, subject to receipt of the grant.

X. PRESENTATIONS BY THE CITY SECRETARY - CONSENT ITEMS

1. **OCS - 1888 - Notice of Claims for Alleged Damages and/or Injuries**

End of Consent Agenda.

A. General - Consent Items - Removed from Consent Agenda

6. **M&C G-17899 - Authorize Settlement of Claims Against United Riverside Rebuilding Corporation, Execution of a Settlement Agreement and Payment of Closing Costs in the Amount Not to Exceed \$10,000.00 (COUNCIL DISTRICT 8)**

Mayor and Council Communication C-17899 was continued to the June 4, 2013, Council meeting.

XI. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

1. **Presentation of Proclamation of Emergency Medical Services Week**

Mr. Doug Hooten, MedStar Executive Director, stated that on April 25, 2013, MedStar, Fort Worth Fire Department and the Fort Worth Police Department responded to a rollover vehicle crash that was on fire. He further stated that MedStar employees, Kayden Bathory and Robert Long arrived first on scene and found Patricia Trevino inside the burning vehicle unconscious. He added that Kayden and Robert had used a fire extinguisher on the ambulance to temporarily

subdue the fire long enough to pull Ms. Trevino from the vehicle. He stated that shortly thereafter the crews from Fire Stations 32 and 23 had arrived on scene to fully extinguish the fire and assist with patient care. He further stated that despite receiving minor burns themselves, Robert and Kayden were able to render medical care to Ms. Trevino on scene and transferred her to care flight that had transported her to the hospital. He stated that Robert Long was unable to attend the Council meeting but Kayden Bathory was in attendance. He added that Ms. Trevino's family was in attendance to express their gratitude to Kayden and Robert for their heroic acts.

Ms. Trevino's family presented plaques and gifts to Kayden Bathory and Robert Long.

Mr. Hooten stated that this was National Emergency Medical Services (EMS) Week with a national theme of "One Mission One Team". He further stated that every day MedStar and the Fort Worth Fire Department work as a team and respond to over 200 EMS calls for residents and visitors of Fort Worth. He added that on the morning of April 25, 2013, the Fort Worth Fire Department exemplified the concept of teamwork in response to the accident. He stated that on behalf of the MedStar employees and the Board of Directors, they presented a "Teamwork Award" to the Firefighters of Engine 32, Lieutenant James White, Engineer Jeremy Torres, Firefighter Matthew Lockhart and Firefighter Bryan Burch and to the Firefighters on Engine 23, Engineer Mike Wiens, Firefighter Raymond Villegas, Firefighter Scott Boren and Firefighter Mike Browning.

Mayor Pro tem Zimmerman presented a Proclamation for Emergency Medical Services Week to Mr. Hooten. He stated that emergency medical services (EMS) was a vital public service which played a critical role in public outreach, as well as injury prevention and was evolving in its role as an important member of the healthcare community. He added that access to quality emergency care dramatically improved the survival and recovery rate of those who experience sudden illness or injury and personnel from MedStar in addition to the Fort Worth Fire and Fort Worth Police Departments stood ready to provide compassionate, lifesaving care to those in need 24 hours a day, seven days a week. He pointed out that the members of EMS teams, both career and volunteer, engaged in thousands of hours of specialized training and continuing education to enhance their lifesaving skills and was supported by emergency medical dispatchers, educators, administrators, researchers, emergency nurses, emergency physicians and many others. He stated that the City of Fort Worth recognized the value and accomplishments of EMS practitioners and encourages the residents in our community to show their support of these brave men and women who are committed to saving lives.

Assistant City Secretary Gonzales advised that, as stated by the City Manager in the Pre-Council work session, Mayor and Council Communication No. G-17903 was a donation by the John Tinsley Estate, via the Fort Worth Botanical Society, and would be moved up on the regular agenda to be considered at this time.

3. **M&C G-17903 - Authorize Acceptance of a Donation from the John Tinsley Estate, via the Fort Worth Botanical Society, Inc., for the Restoration of the Rock Springs Garden Located in the Fort Worth Botanic Garden at a Value of \$2,200,000.00, Authorize the Acceptance of a Monetary Donation from the Fort Worth Botanical Society, Inc., in the Amount of \$41,231.00 to Fund the Salary and Benefits of a Gardener, Authorize the Naming of an Area at the Fort Worth Botanic Garden as the Victor and Cleyone Tinsley Rock Springs Garden, Authorize Waiver of Permit Fees and Adopt Appropriation Ordinance (COUNCIL DISTRICT 7)**

It was recommended that the City Council authorize acceptance of a donation from the John Tinsley Estate, via the Fort Worth Botanical Society, Inc., for the restoration of the rock springs garden area in the Fort Worth Botanic Garden at a value of \$2,200,000.00; authorize the acceptance of a donation from the Fort Worth Botanical Society, Inc., in the amount of \$41,231.00 for the purpose of funding the annual salary and benefits of a gardener; authorize the naming of the rock springs garden area at the Fort Worth Botanic Garden as the Victor and Cleyone Tinsley Rock Springs Garden; adopt an appropriation ordinance, increasing the estimated receipts and appropriations in the Special Trust Fund in the amount of \$41,231.00, subject to receipt of a monetary donation from the Fort Worth Botanical Society, Inc., for the same purpose stated above, authorize the waiver of fees with respect to city permits related to the restoration of the rock springs garden area; and find that the waiver of fees carries out the public purposes set forth herein and that there are sufficient controls to ensure that the public purposes are carried out.

Mayor Price and Council Member Shingleton presented certificates to Ms. Rattana Mao, President of the Fort Worth Botanical Society, Inc., from the John Tinsley Estate for the restoration of the Rock Springs Garden.

Motion: Council Member Jordan made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication No. G-17903 be approved with appreciation and Appropriation Ordinance No. 20758-05-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

XII. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

1. Upcoming and Recent Events

Council Member Burns announced that on Thursday, May 23, 2013, from 6:30 p.m. until 8:30 p.m., there would be a preview celebration at Forest Park Pool and tickets could be purchased for \$25.00 per person and that the proceeds would benefit swim lessons for children. He added that the official openings for the Forest Park Pool would be at 10:00 a.m. and Marine Park Aquatics Center would be at 12:00 p.m.

Council Member Espino invited all to attend the grand openings on Saturday, May 25, 2013, at 10:00 a.m. at the Forest Park Pool and then at 11:30 a.m. there would be a special dedication for Betty Ward at the Marine Park Aquatics Center. He stated that there would be a monument in Ms. Ward's honor in the new picnic pavilion and he invited all to attend.

Council Member Jordan expressed his appreciation to Mr. Richard Zavala, Director, Parks and Community Services Department, the Parks and Community Services Department and the citizens for their hard work on the new YMCA Sports Complex, formerly known as Blue Raider Field. He also expressed his appreciation to Mayor Price who had hosted a walking town hall in District 6 at Candleridge Park on May 8, 2013. He stated that over 40 citizens showed up and that it was a good day and that he was working on the issues that had been brought up during the walk.

Council Member Allen Gray announced that Congressman Mark Veasey would host a walk on Saturday, May 25, 2013, at 10:00 a.m., at Cobb Park. She stated that it would be a 2-mile walk and he would be talking about health and fitness and different things that were happening around his district and she invited all to attend. She stated that she wanted to congratulate Ms. Jazmine Martin, who was the Boys and Girls Club Youth of the Year and she was also the Youth of the Year from the Fort Worth Commission for Women.

Mayor Price expressed her appreciation to Council Member Jordan for co-hosting the walk in District 6 on May 8, 2013. She stated that about 150 citizens attended the Southside Bike Ramble on May 18, 2013. She also reminded the citizens that Monday, May 27, 2013, was Memorial Day and that the National Cemetery would host an event at 10:00 a.m. and Mount Olivet would host their annual celebration at 6:30 p.m. and she invited all to attend.

2. Recognition of Citizens

There were no citizens recognized at this time.

3. Approval of Ceremonial Travel

There was no approval necessary of ceremonial travel.

XIII. PRESENTATIONS BY THE CITY COUNCIL

1. Changes in Membership on Boards and Commissions

There were no changes in membership on Boards and Commissions.

XIV. PRESENTATIONS AND/OR COMMUNICATIONS FROM BOARDS, COMMISSIONS AND/OR CITY COUNCIL COMMITTEES

There were no presentations and/or communications from boards, commissions and/or City Council committees.

XV. REPORT OF THE CITY MANAGER

B. General

1. M&C G-17901 - Adopt Resolution Establishing a Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives (ALL COUNCIL DISTRICTS)

It was recommended that the City Council adopt a resolution providing that the City of Fort Worth ("City") elects to be eligible to participate in tax abatement as authorized by Chapter 312 of the Texas Tax Code and establishing a Neighborhood Empowerment Zone Tax Abatement Policy governing subsequent tax abatement agreements for properties located in a Neighborhood Empowerment Zone and adopting an amendment to the Neighborhood Empowerment Zone Tax Abatement Policy and basic incentives.

Motion: Council Member Shingleton made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-17901 be approved and Resolution No. 4209-05-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

2. M&C G-17902 - Adopt Ordinance Amending Section 35-23(b) in Article I of Chapter 35, Water and Sewers of the City Code to Approve a Revised Drought Contingency/Emergency Water Management Plan (ALL COUNCIL DISTRICTS)

It was recommended that the City Council adopt an ordinance, amending Chapter 35, "Water and Sewers", Article I, "In General" of the code of the City of Fort Worth (1986), as amended, by amending Section 23(b) and adopting a revised drought contingency/emergency water management plan.

Motion: Council Member Shingleton made a motion, seconded by Council Member Allen Gray, that Mayor and Council Communication No. G-17902 be approved and Ordinance No. 20759-05-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

4. M&C G-17904 - Conduct a Public Hearing, Adopt Resolution Redesignating the Woodhaven Area as a Neighborhood Empowerment Zone and Adopt Ordinance to Redesignate the Woodhaven Area as Fort Worth Neighborhood Empowerment Reinvestment Zone No. 10 (COUNCIL DISTRICT 4) (PUBLIC HEARING)

It was recommended that the City Council adopt a resolution to redesignate the Woodhaven area as a Neighborhood Empowerment Zone; conduct a public hearing to redesignate the Woodhaven area as Fort Worth Neighborhood Empowerment Reinvestment Zone No. 10; and adopt an ordinance renewing and redesignating a certain area in the City of Fort Worth as "Neighborhood Empowerment Reinvestment Zone No. 10, City of Fort Worth, Texas", pursuant to the Texas Property Redevelopment and Tax Abatement Act, Tax Code, Chapter 312.

Mayor Price opened the public hearing.

a. **Report of City Staff**

Mrs. Sarah Odle, Administrative Assistant, Housing and Economic Development Department, appeared before Council and provided a staff report.

b. **Citizen Presentations**

There were no citizen presentations.

c. **Council Action**

Motion: Council Member Scarth made a motion, seconded by Council Member Moss, that the public hearing be closed, Mayor and Council Communication No. G-17904 be approved, and Resolution No. 4210-05-2013 and Ordinance No. 20760-05-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

F. **Award of Contract**

1. **M&C C-26208 - Amend Mayor and Council Communication C-25504 to Extend Completion Deadline Under an Enhanced Community Facilities Agreement with Keystone Equity Partners, LLC, for Reconstruction of Old Decatur Road from Loop 820 to the Southern Boundary of the Proposed Commercial Metals Company Site (COUNCIL DISTRICT 2) (Continued from a Previous Meeting)**

It was recommended that the City Council amend Mayor and Council Communication C-25504 to extend the completion deadline under an Enhanced Community Facilities Agreement with Keystone Equity Partners, LLC, for reconstruction of Old Decatur Road from Loop 820 to the southern boundary of the proposed Commercial Metals Company site.

Motion: Council Member Espino made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-26208 be approved with appreciation. The motion carried unanimously 9 ayes to 0 nays.

2. **M&C C-26268 - Authorize Execution of Amendment No. 4 to City Secretary Contract No. 36482, Economic Development Program Agreement with Museum Place Holdings, LLC, to Revise the Definition of Improvements and Affordable Housing Set-Aside in Phase III and Extend the Completion Deadlines for Phases II, III and IV of the Museum Place Development (COUNCIL DISTRICT 7)**

It was recommended that the City Council authorize the City Manager to execute Amendment No. 4 to City Secretary Contract No. 36482, Economic Development Program Agreement with Museum Place Holdings, LLC, to revise the definition of improvements and affordable housing set-aside in Phase III and extend the completion deadlines for Phase II, III and IV of the Museum Place Development.

Motion: Council Member Shingleton made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-26268 be approved. The motion carried unanimously 9 ayes to 0 nays.

3. **M&C C-26269 - Authorize Execution of an Economic Development Program Agreement with Our Nation's Best Sports for the Construction of a New Corporate Headquarters Facility to be Located in the Fossil Creek Business Park Near the Intersection of Fossil Creek Boulevard and North Beach Street (COUNCIL DISTRICT 4)**

It was recommended that the City Council authorize the execution of an Economic Development Program Agreement with Our Nation's Best Sports for the construction of a new, approximately 60,000 square foot corporate headquarters, to be located in the Fossil Creek Business Park near the intersection of Fossil Creek Boulevard and North Beach Street.

Motion: Council Member Scarth made a motion, seconded by Mayor Pro tem Zimmerman, that Mayor and Council Communication No. C-26269 be approved. The motion carried unanimously 9 ayes to 0 nays.

4. **M&C C-26270 - Authorize Execution of a Five-Year Tax Abatement Agreement with Michell Garner, for the Rehabilitation of a Two-Story, Ten Unit Apartment Building on Property Located at 612 Luxton Street in the Evans and Rosedale Neighborhood Empowerment Zone (COUNCIL DISTRICT 8)**

It was recommended that the City Council authorize execution of a five-year Tax Abatement Agreement with Michell Garner, for the rehabilitation of a two-story, ten unit apartment building on property located at 612 Luxton Street in the Evans and Rosedale Neighborhood Empowerment Zone, in accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

Motion: Council Member Allen Gray made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-26270 be approved. The motion carried unanimously 9 ayes to 0 nays.

5. **M&C C-26271 - Authorize Expenditure in the Amount of \$25,000.00 of Urban Development Action Grant Program Income in the Form of a Forgivable Loan to UNPJ Holding Company, Ltd., for Building Improvements to its Manufacturing Facility Located at 715 East Ninth Street, Authorize Execution of a Loan Agreement and Adopt Appropriation Ordinance (COUNCIL DISTRICT 9)**

It was recommended that the City Council authorize expenditure in the amount of \$25,000.00 of Urban Development Action Grant program income in the form of a forgivable loan to UNPJ Holding Company, Ltd., for building improvements to its manufacturing facility located at 715 East Ninth Street; authorize the City Manager or his designee to execute a loan agreement and any related documents with UNPJ Holding Company, Ltd., for the loan for a term beginning on the date of execution and ending two years after completion of the improvements; authorize the City Manager or his designee to amend the loan agreement, if necessary, to achieve project goals provided that the amendment is within the scope of the project and in compliance with City policies and applicable laws and regulations governing the use of federal funds; and adopt an appropriation ordinance, increasing the estimated receipts and appropriations in the Grants Fund in the amount of \$25,000.00 from available funds for the same purpose as stated above.

Motion: Council Member Burns made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-26271 be approved, and Appropriation Ordinance No. 20761-05-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

6. M&C C-26272 - Authorize Execution of a Contract with JLB Contracting, LLC, in the Amount of \$1,587,340.80 for Hot Mix Asphaltic Concrete Surface Overlay 2013-4 at Multiple Locations Throughout the City of Fort Worth, Provide for Project Cost and Contingencies for a Project Total in the Amount of \$1,666,707.80 and Adopt Appropriation Ordinances (COUNCIL DISTRICTS 2, 3, 5, 8 and 9)

It was recommended that the City Council Authorize a transfer in the amount of \$793,670.40 from the Water and Sewer Fund in the amounts of \$396,835.20 to the Water Capital Projects Fund and \$396,835.20 to the Sewer Capital Projects Fund; adopt an appropriation ordinance, increasing the estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$396,835.20 from available funds, for the purpose of Hot Mix Asphaltic Concrete Surface Overlay 2013-4 at Multiple Locations and adopt an appropriation ordinance, increasing the estimated receipts and appropriations in the Sewer Capital Projects Fund in the amount of \$396,835.20 from available funds for the same purpose as stated above; and authorize the execution of a contract with JLB Contracting, LLC, in the amount of \$1,587,340.80.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Zimmerman, that Mayor and Council Communication No. C-26272 be approved, and Appropriation Ordinance Nos. 20762-05-2013 and 20763-05-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

7. **M&C C-26273 - Authorize Execution of a Master Municipal Equipment Lease-Purchase Agreement with All American Investment Group, LLC, in the Amount of \$18,443,309.30, Authorize Execution of an Escrow Agreement with All American Investment Group, LLC, and SunTrust Bank, Authorize Execution of Amendment No. 8 to City Secretary Contract No. 29110 with Johnson Controls, Inc., in the Amount of \$10,955,452.00 to Support the Refinance of Phase 4 of the City's Energy Savings Performance Contract and the Finance and Implementation of Phase 7 of the City's Energy Savings Performance Contract at Selected City-Owned Facilities, Provide for Project Costs and Contingencies in the Amount of \$140,000.00 for a Total Project in the Amount of \$11,095,452.00 and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)**

It was recommended that the City Council authorize the execution of a Master Municipal Equipment Lease-Purchase Agreement with All American Investment Group, LLC (AAIG) in the amount of \$18,443,309.30 to refinance Phase 4, \$7,487,857.30 of the City's Energy Savings Performance Contract (ESPC) with Johnson Controls, Inc. (JCI) and to finance implementation of ESPC Phase 7, in the amount of \$10,955,452.00 with JCI; authorize the execution of an Escrow Agreement with AAIG and SunTrust Bank as required by the Master Municipal Equipment Lease-Purchase Agreement; adopt an appropriation ordinance, increasing the estimated receipts and appropriations in the Special Trust Fund in the amount of \$11,095,452.00 from available funds, for the purpose of funding implementation of ESPC Phase 7 with Johnson Controls, Inc. in the amount of \$10,955,452.00 and funding construction inspection and contingencies in the amount of \$140,000.00; and authorize execution of Amendment No. 8 to City Secretary Contract No. 29110 with JCI in the amount of \$10,955,452.00 to implement ESPC with JCI for selected City-owned and operated facilities.

Council Member Scarth advised that he had filed a Conflict of Interest Affidavit with the City Secretary's Office and would be abstaining from voting on this item.

Motion: Council Member Shingleton made a motion, seconded by Council Member Allen Gray, that Mayor and Council Communication No. C-26273 be approved and Appropriation Ordinance No. 20764-05-2013 be adopted. The motion carried 8 ayes to 0 nays, with 1 recusal by Council Member Scarth.

8. **M&C C-26274 - Authorize Execution of a Contract with CD Builders, Inc., in the Amount of \$2,866,980.00 for Lake Crest Drainage Improvements Project and Provide for Contingencies and Construction Services for a Total Project in the Amount of \$3,273,580.00 (COUNCIL DISTRICT 2)**

It was recommended that the City Council authorize the execution of a contract with CD Builders, Inc., in the amount of \$2,866,980.00 for the Lake Crest Drainage Improvements Project and Construction Services for a Total Project in the Amount of \$3,273,580.00.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-26274 be approved. The motion carried unanimously 9 ayes to 0 nays.

9. M&C C-26275 - Adopt Supplemental Appropriation Ordinance Increasing Receipts and Appropriations in the Culture and Tourism Fund in the Amount of \$550,000.00 to Fund the Fort Worth Convention and Visitors Bureau (ALL COUNCIL DISTRICTS)

It was recommended that the City Council adopt a supplemental appropriation ordinance, increasing the estimated receipts and appropriations in the Culture and Tourism Fund by \$550,000.00 and decreasing the assigned Culture and Tourism Fund balance by the same amount for the purpose of funding the Fort Worth Convention and Visitors Bureau.

Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-26275 be approved and Appropriation Ordinance No. 20765-05-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

10. M&C C-26276 - Authorize Execution of Amendment No. 2 to City Secretary Contract No. 37013 with Kimley-Horn and Associates, Inc., in the Amount of \$1,896,000.00 for a Total Contract Amount of \$6,009,113.00 for Water and Sanitary Sewer Main Relocations for the Trinity River Vision-Central City Project and the Trinity Uptown Service Area, Phase 2B with Total City Expenditures for the Central City Project Not to Exceed the Authorized Amount of \$26,600,000.00 (COUNCIL DISTRICTS 2 and 9)

It was recommended that the City Council authorize the execution of Amendment No. 2 to City Secretary Contract No. 37013 with Kimley-Horn and Associates, Inc., in the amount of \$1,896,000.00 for water and sanitary sewer main relocations for the Trinity River Vision-Central City Project and the Trinity Uptown Service Area, Phase 2B, thereby increasing the contract amount to \$6,009,113.00, with total City expenditures for the Central City Project not to exceed the authorized amount of \$26,600,000.00.

Motion: Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-26276 be approved. The motion carried unanimously 9 ayes to 0 nays.

XVI. ZONING HEARING

Mayor Price opened the public hearing.

1. ZC-12-112 - (CD 2) - Thomas Blanton, 3900 and 3950 Angle Avenue; from: "I" Light Industrial to: "D" High Density Multifamily (Recommended for Approval by the Zoning Commission (Continued from a Previous Meeting))

The City Council at its regular meeting of May 7, 2013, continued ZC-12-112.

Mr. Joe Paniagua, 8125 Mount Shasta Circle, completed a speaker card in support of Zoning Docket ZC-12-112 but did not wish to address the Council.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-12-112 be approved. The motion carried unanimously 9 ayes to 0 nays.

There being no one else present desiring to be heard in connection with the recommended changes and amendments pertaining to Zoning Ordinance No. 13896 for the above listed case, Council Member Espino made a motion, seconded by Council Member Moss, that the hearing be closed and that Ordinance No. 20766-05-2013 be adopted. The motion carried 9 ayes to 0 nays.

XVII. CITIZEN PRESENTATIONS

Mr. Leroy Comley, 2604 Market Avenue, appeared before Council regarding burglary at his home and Police treatment.

Mr. Stephen Hall, representing the Fort Worth Police Officers Association, 904 Collier Street, appeared before Council regarding injured workers.

Ms. Suzette Watkins, 1801 Bomar Avenue, appeared before Council regarding the Chuck Silcox Animal Shelter discussion.

XVIII. EXECUTIVE SESSION (PRE-COUNCIL CHAMBER) - SEE ATTACHMENT B

XIX. ADJOURNMENT

There being no further business, Mayor Price adjourned the Regular Meeting at 11:27 a.m. in honor of Granbury, Texas; Cleburne, Texas; and Moore, Oklahoma due to the devastation that they had suffered from the recent weather events.

These minutes approved by the Fort Worth City Council on the 4th day of June, 2013.

Attest:

Approved:

Mary J. Kayser
City Secretary

Zim Zimmerman
Mayor Pro tem